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Attorneys for plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Patricia Galvin, Plaintiff, v. Provident Life and Accident Insurance Company as Administrator and Fiduciary of the Group Long Term Disability Plan for Heller, Erhman, White & McAuliffe, et al., Defendants.) No: C 07 05195 RS) DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE)

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE.

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

ROBOOSTOFF & KALKIN

Dated: December 20, 2007

/s/
Scott Kalkin
Attorney for plaintiff

Declination to Proceed before Magistrate Judge

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am over the age of 18 years and not a party to this action or proceeding. My
4 business address is 369 Pine Street, Suite 610, San Francisco, California 94104, where
5 I am employed:

6 On December 20, 2007, I caused to be served the following document(s):

7

8 **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE**

9

10

11 MAIL - placed in the United States mail at San
12 Francisco, California, postage fully prepaid.

13 PERSONAL SERVICE - delivered by hand to the
14 addressee. (Lighting Delivery)

15 FAX - same day delivery by facsimile transmission
16 to the addressee's fax number.

17 X E-FILED - served pursuant to Northern District of California General Order
18 45.

19 addressed to the following:

20 John C. Ferry, Esq.
KELLY, HERLIHY & KLEIN LLP
21 44 Montgomery Street, Suite 2500
22 San Francisco, California 94104

23 I declare under penalty of perjury that the foregoing is true and correct and that
24 this declaration was executed on December 20, 2007, at San Francisco, California.

25

26 _____
27 /s/
28 Scott Kalkin